



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: R. BERGER *et al.*

Application No.: 09/788,639

Group Art Unit: 3738

Filed: February 21, 2001

Examiner: Unassigned

For: OCCIPITAL PLATE AND SYSTEM
FOR SPINAL STABILIZATION

Attorney Docket No.: 8932-320

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.48(a) it is respectfully requested that the above identified application (the "Application") be corrected by adding the names of David Gerber, Hansjuerg W. Emch and Michael Brace, who were inadvertently not listed as co-inventors of the Application through error and without deceptive intent.

In support of this Petition and in accordance with 37 C.F.R. § 1.48(a), the following papers are submitted herewith:

- (1) Statement under 37 C.F.R. § 1.48(a)(2) by David Gerber, Hansjuerg W. Emch and Michael Brace as the individuals being added as inventors;
- (2) Declaration executed by all of the actual inventors (*i.e.*, Roger Berger, David Gerber, Hansjuerg W. Emch and Michael Brace) as required under 37 C.F.R. §§ 1.48(3) and 1.63; and
- (3) Statement of consent by the Assignee, Synthes (USA), under 37 C.F.R. § 1.48(a)(5).

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In addition, a copy of an Assignment from Roger Berger to Synthes (USA) is enclosed to show that Synthes (USA) is the owner of Roger Berger's interest in this Application. The original Assignment was recorded by the USPTO on June 15, 2001 at Reel 011912, Frame 0906. Further, a copy of an Assignment from David Gerber, Hansjuerg W. Emch and Michael Brace to Synthes (USA) is enclosed to show that Synthes (USA) is the owner of their interests in this Application; the original Assignment is being transmitted under separate cover to the Assignment Branch for recordation.¹

As David Gerber, Hansjuerg W. Emch and Michael Brace are true and actual inventors of the subject matter disclosed and claimed in the Application, and since they were not previously so identified through error and without any deceptive intent, it is respectfully requested that David Gerber, Hansjuerg W. Emch and Michael Brace be added as inventors of the above-identified Application.

In accordance with 37 C.F.R. § 1.48(a)(4), a fee of \$130.00 is believed due for this submission. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this Petition is enclosed for accounting purposes.

Date February 13, 2002

Respectfully submitted,

Seth A. Watkins
FOR: Brian M. Rothery

Seth A. Watkins
For: Brian M. Rothery

Reg. No. 47,169
Reg. No. 35,340

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, DC 20006

Enclosures

(202) 496-4400

¹ For purposes of clarification, please note that pursuant to these assignments, Synthes (USA) is the assignee of the entire right, title, and interest to the U.S. application, while Synthes AG Chur is the assignee of rights, title, and interest to applications in various *other countries*.

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**STATEMENT OF DAVID GERBER, HANSJUERG W. EMCH
AND MICHAEL BRACE UNDER 37 C.F.R. § 1.48(a)(2)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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We, DAVID GERBER, HANSJUERG W. EMCH AND MICHAEL BRACE, have read and understand the content of the "Petition To Correct Inventorship Under 37 C.F.R. § 1.48(a)" submitted concurrently herewith to correct the inventorship of the above-identified application. We hereby state that we were mistakenly not included as named inventors of the above-identified invention and application therefor, and that this error in inventorship occurred without any deceptive intention on our part.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent.

Date: 01/07/02

D. Gerber
DAVID GERBER

Date: _____

HANSJUERG W. EMCH

Date: _____

MICHAEL BRACE

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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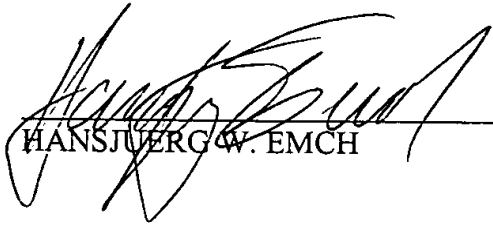
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true and that all statements made on information and belief are believed to be true, and
further that these statements were made with the knowledge that willful false statements and
the like so made are punishable by fine or imprisonment or both, under section 1001 of Title
18 of the United States Code and that such willful false statements may jeopardize the
validity of the patent.

Date: _____

DAVID GERBER

Date: 11/21/02



HANSJUERG W. EMCH

Date: _____

MICHAEL BRACE

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Date: _____

DAVID GERBER

Date: _____

HANSJUERG W. EMCH

Date: 1/14/02

Michael J Br
MICHAEL BRACE